

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

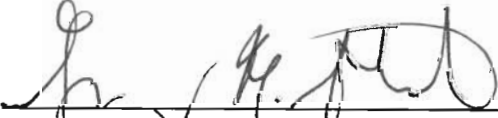
JOHN H. BENGE, JR.,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-550-GMS
)	
RICK KEARNEY,)	
Warden,)	
)	
Respondent.)	

ORDER

At Wilmington this 30th day of March, 2006;

IT IS ORDERED that:

Petitioner John H. Benge's motion for an order fixing conditions upon the transfer of his custody is DENIED. (D.I. 9.) There is no definite indication that Benge will be transferred from the Sussex Correctional Institution to another in-state correctional institution or to a correctional institution located in another state. Further, as Benge concedes, even if his custody is transferred to an out-of-state institution, such a transfer will not divest the court of jurisdiction over his petition.


UNITED STATES DISTRICT JUDGE